THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10184 of 2006

24.05.2006

Between:

Kanda Seshagiri Rao.

…Petitioner

And

Commissioner, Endowments Department, Andhra Pradesh,

Hyderabad and three others.

….Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10184 of 2006

ORDER :

The petitioner is the lessee of an extent of Ac.6-98 cents of land in Survey No.156/2 and 3 of Fakruddin Palem village of East Godavari District, belonging to the 4th respondent. The lease came to an end and the application of the petitioner for treating him as a small

farmer for the purpose of continuing the lease, was rejected by the Assistant Commissioner of Endowments, Rajahmundry. The appeal filed against it was also rejected.

When the petitioner was about to be evicted, he approached the Commissioner of Endowments for extension of lease.
Through proceedings, dated 7.1.2005, the Commissioner permitted the petitioner to continue as lessee till the end of crop year 2005-06. The same was communicated to the petitioner on 31.1.2005.

The 4th respondent issued proceedings, dated 29.3.2006, requiring the petitioner to vacate the land by 30.4.2006.
The petitioner challenges the same alleging that he was made to understand that the lease would be in force up to the end of the crop year 2006-07. Several other contentions were also urged.

Heard the learned counsel for the petitioner and also the learned Government Pleader for Endowments.

It is not in dispute that the lease in favour of the petitioner has expired long back and he was continued till the end of the current crop year by the Commissioner of Endowments through proceedings, dated 7.1.2005. The 4th respondent intends to put the leasehold rights of the land to auction. Once the claim of the petitioner to be declared as a small farmer was rejected, there does not exist any basis for him to continue as lessee. In case he desires, he can participate in the forthcoming auction of leasehold rights. The learned Counsel for petitioner states that there is an existing crop over the land.

The writ petition is disposed of directing that the petitioner shall

vacate the land and deliver vacant possession of the same to the 4th respondent by the end of June 2006. In the meanwhile, it shall be open to the 4th respondent to proceed with the auction of leasehold rights and the petitioner shall be entitled to participate in the same, if he so wants. No order as to costs.

L. NARASIMHA REDDY, J

Date: 24th May 2006

ajr/pv